

HEIRS OF LATHROP ALLEN.

JUNE 10, 1842.

Read, and laid upon the table.

Mr. HALL, from the Committee on Revolutionary Claims, submitted the following

REPORT:

*The Committee on Revolutionary Claims, to which was referred the petition of the heirs of Lathrop Allen, submit the following report:*

The petitioners claim commutation for the service of Lathrop Allen as a captain in the continental line to the end of the war. Several witnesses, whose affidavits were taken within a few years past, testify that Captain Allen served in the continental army from an early period of the war to its close; but their testimony is evidently untrue.

In 1818 Capt. Allen applied for a pension under the act of Congress of that year, and, in his declaration under oath, he states that he entered the service in May, 1775; that he served as a sergeant in Capt. Baldwin's company, in Col. Van Schaick's New York regiment, in the expedition to Canada; that, under the direction of Dr. Franklin and the other Commissioners of Congress, who arrived in Canada in February, 1776, he was appointed a captain in Col. Elmore's regiment on the 15th of April, 1776, and was afterwards commissioned by Congress as such, to serve during the pleasure of Congress; that the men were enlisted for one year from those whose services in other regiments were then expiring; that he served in said regiment, principally on the Mohawk river, until the terms of service of his men expired in April, 1777, when they were discharged at Albany; that he was never appointed to any other regiment, but was variously employed by Gen. Gates and other continental commanders, particularly at Bennington and at the capture of Burgoyne; "that, in all, he thinks he was in service about three years, if not more," and always "held himself ready for service."

If his own statement, under oath, is to be credited, he became a supernumerary when Col. Elmore's regiment was discharged in April, 1777, and he might, perhaps, have been entitled to a year's extra pay as such under the resolution of Congress of November 24, 1778. If he was entitled to such provision, he doubtless received it, though, from the destruction of the records of that period, it is impracticable to ascertain any thing positive on the subject. His service, after April, 1777, must have been as a volunteer or a militia officer.

The records in the office of the Third Auditor furnish no evidence of his service in any other regiment than that of Col. Elmore, which they would do if he had served through the war.

According to his own showing, he was out of service long before the passage of the half-pay resolutions of October 21, 1780, and, of consequence, cannot be entitled to commutation. The committee therefore recommend that the claim be rejected.